

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YOLONDA M. WEST,

07-cv-7260 (PKC/DCF)

PLAINTIFF,

- AGAINST -

ANSWER

DELORAS BRICKMAN AM NURSE/O.C.D.H.,
CARLOS TORRES PM & AM NURSE, O.C.D.H.,
JASON BERGER PM & AM NURSE/O.C.D.H.,
VALERIE ZEPPLIN DAY SHIFT/O.C.J.,
DIANE TUTTLE DAY SHIFT/O.C.J.,
SANDRA DAWNSON PM SHIFT NURSE/O.C.H.D./OCJ,
MAURA AM SHIFT NURSE/O.C.H.D./OCJ,

DEFENDANTS.

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The defendant, Doloris Brigman (improperly sued as "**Deloras Brickman**"), by and through her attorneys, Thuillez, Ford, Gold, Butler, & Young, LLP, as and for an Answer to plaintiff's Amended Complaint, states as follows:

1. Denies having knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "2A", "2B", "2C", "2D", "3", "4A", 4B", "4C", "4D", "4E", "4F", "4I", "6A", "6D", of plaintiff's Amended Complaint.
2. Denies the allegations contained in paragraph numbered "5" of plaintiff's Amended Complaint.
3. Denies each and every other allegation or suballegation of plaintiff's Amended Complaint not hereinbefore specifically admitted or denied as they relate or pertain to the answering defendant.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE,
ANSWERING DEFENDANT ALLEGES AS FOLLOWS**

4. This action should be dismissed based upon plaintiff's failure to state a cause of action for constitutional deprivations.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE,
ANSWERING DEFENDANT ALLEGES AS FOLLOWS**

5. This action should be dismissed based upon plaintiff's failure to exhaust administrative remedies.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE,
ANSWERING DEFENDANT ALLEGES AS FOLLOWS**

6. Plaintiff's alleged injuries, if any, were due to the intentional misconduct, negligence and/or other culpable conduct of the plaintiff himself or other persons over whom the defendant had no control.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE,
ANSWERING DEFENDANT ALLEGES AS FOLLOWS**

7. This action should be dismissed based upon the Doctrine of Qualified Immunity.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE,
ANSWERING DEFENDANT ALLEGES AS FOLLOWS**

8. The Complaint or parts thereof must be stricken as redundant, immaterial and/or scandalous pursuant to FRCP Rule 12(f).

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE,
ANSWERING DEFENDANT ALLEGES AS FOLLOWS**

9. That the complaint fails to state facts sufficient to state a cause of action.

WHEREFORE, answering defendant demands judgment dismissing the Complaint in its entirety, but in the event plaintiff recovers a judgment against said answering defendant, then and in that event, answering defendant demands judgment over, by way of indemnity and/or

contribution, against the plaintiff and/or the codefendants, together with the costs and disbursements of this action.

Dated: March 24, 2008 Yours, etc.,

THUILLEZ, FORD, GOLD, BUTLER & YOUNG, LLP

By: Kelly Michael Monroe

Kelly Michael Monroe
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